

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN PATRICK FLOOD,	:	
Plaintiff,	:	
v.	:	Case No. 3:06-cv-82-KRG-KAP
TROOPER CHARLES SCHAEFER,	:	
<u>et al.</u> ,	:	
Defendants	:	

Order and Report and Recommendation

Plaintiff has filed at docket no. 218 another repetitive motion, requesting that the original audio tapes made in the Pennsylvania State Police criminal investigation that preceded his prosecution be "continued in the custody of the court [and] produced for the proper certified accurate and complete 1:1 copies to be made" and sent to an expert for investigation of Flood's tape tampering charge. The motion is denied: the part seeking to keep tapes in the custody of the court is unnecessary, and I explained the correct route for plaintiff to take in his continued effort to litigate a tape tampering claim in June 2013.

According to the docket, there is also a pending motion at docket no. 216 to reconsider the Court's last order on the subject, docket no. 215. Just for housekeeping, I recommend that motion be denied for the reason that it too is repetitive, presenting no new arguments, evidence, or factual allegations. Plaintiff can save postage by filing his objection to this recommendation with his appeal from the order above.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

As an aside, I offered to try this matter in 2013, and neither side was interested. I again can offer a jury trial on a date certain in 2015; if the parties desire that they can consent to my jurisdiction.

DATE: 28 July 2015

Keith A. Pesto  
Keith A. Pesto,  
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

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